IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Crl.Rev.Pet.No. 1392 of 2007()

CRA.370/2005 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
CC.381/2002 of JUDL.MAGISTRATE OF FIRST CLASS, MAVELIKKARA

.....

REVN. PETITIONER: APPELLANT/ACCUSED

SAM VARGHESE, AGED 55 YEARS,
S/O.M.VARGHESE, NADAVALLIL LOUIS VILLA
KUNNUM P.O., MAVELIKKARA.

BY ADV. SRI.E.RAFEEK
SRI.GOKUL DAS V.V.H.
SRI.M.P.MADHAVAN KUTTY

RESPONDENTS: RESPONDENT/COMPLAINANT

---

1. K.G.GOPALAKRISHNAN NAIR, MOKKATTU
(KALATHOOR), KUTTAMPEROOR P.O.,
MANNAR, ALAPPUZHA DISTRICT.

2. THE STATE OF KERALA,
REP. BY CHIEF SECRETARY
THROUGH PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

==========

CRL. R.P. NO. 1392 OF 2007

==========

Dated this the 29th day of March 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced, as modified by the appellate court, to undergo simple imprisonment for one month and to pay the cheque amount of Rs.1,75,000/- as compensation to the complainant and in default to undergo simple imprisonment for two months vide section 357 (3) Cr.P.C.

2. The counsel for the revision petitioner has only sought for modification of sentence and for time to pay the amount of compensation. In the circumstances, sentence is modified to imprisonment till rising of the court. The rest of the sentence is confirmed. It is submitted that a sum of Rs.50,000/- has been paid directly to the complainant. If so, the revision petitioner shall also pay the balance amount to the complainant directly or depositing the same in the court within six months from today

onwards. The revision petitioner shall appear before Judicial First Class Magistrate, Mavelikaraon **28.09.2007** to receive sentence. Non bailable warrant pending if any shall be kept in abeyance.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV